

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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CACHET FINANCIAL SERVICES,

:

Plaintiff,

Civil Action No. 19-CV-1181-FJS-

: CFH

-against-

:

MYPAYROLLHR, LLC; MICHAEL MANN;
VALUEWISE CORPORATION; ROSS PERSONNEL :
CONSULTANTS INC.; SOUTHWESTERN
PAYROLL SERVICES INC.; ESSQUE, INC. (D/B/A :
HEUTMAKER BUSINESS ADVISORS); AND DOES
1-10, :

Defendants.

:

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**[PROPOSED] JUDGMENT IN FAVOR OF CACHET FINANCIAL SERVICES AND
AGAINST DEFENDANTS MYPAYROLLHR, LLC, MICHAEL MANN, VALUEWISE
CORPORATION, AND ROSS PERSONNEL CONSULTANTS INC.**

Defendants MyPayrollHR, LLC (“MyPayrollHR”); Michael Mann (“Mann”); Valuewise Corporation; and Ross Personnel Consultants Inc. (collectively, the “Defendants”) having been duly served with the Complaint against Defendants for: (1) Breach of Contract; (2) Fraud; (3) Conversion; (4) Unjust Enrichment; (5) Violation of 18 U.S.C. §1962(c); and (6) Violation of 18 U.S.C. §1962(d) (“Complaint”) and Summons, having failed to respond to the Complaint, the Court having considered the Motion for Entry of Default Judgment filed on or about February 24, 2020, and for good cause appearing, the Court now enters judgment in favor of Plaintiff Cachet Financial Services (“Plaintiff”) and against Defendants. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Judgment is entered in favor of Plaintiff and against MyPayrollHR on the First Cause of Action for Breach of Contract.

2. Judgment is entered in favor of Plaintiff and against MyPayrollHR and Mann on the Second Cause of Action for Fraud.

3. Judgment is entered in favor of Plaintiff and against all Defendants on the Third Cause of Action for Conversion.

4. Judgment is entered in favor of Plaintiff and against all Defendants on the Fourth Cause of Action for Unjust Enrichment.

5. Plaintiff shall recover from the Defendants, jointly and severally, general damages in the amount of \$26,418,517.04 plus consequential damages of \$27,575,000.00 plus pre-judgment interest of \$2,154,903.92 plus punitive damages of \$52,837,034.08 for a total judgment amount of \$108,985,455.04.

6. Post judgment interest at the maximum legal rate pursuant to 28 U.S.C. § 1961 from the date of entry of this Judgment until satisfaction of this Judgment.

Dated: New York, New York

_____, 2020

ENTERED:

By: _____

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020 I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

1. Southwestern Payroll Services Inc., d/b/a Southwestern Payroll
2. Essque, Inc., d/b/a Heutmaker Business Advisors

And, I hereby certify that I have mailed by the United States Postal Service the document to the following non-CM/ECF Participants, with an electronic courtesy sent via email to:

1. MyPayrollHR, f/k/a Cloud Payroll LLC
2. Michael Mann
3. ValueWise Corporation
4. Ross Personnel Consultants Inc., d/b/a Ross Consultants

c/o Micahel L. Koenig
Hinckley Allen
30 South Pearl Street, Suite 901
Albany, New York 12207
mkoenig@hinckleyallen.com

Dated: Los Angeles, California
February 24, 2020

/s/ Donald A. Miller
Donald A. Miller